



General Assembly

February Session, 2010

Raised Bill No. 198

LCO No. 1016

01016_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT REQUIRING A TWO-THIRDS VOTE TO ENACT NEW MUNICIPAL MANDATES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 2-32b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) As used in this section:

4 (1) "Local government" means any political subdivision of the state
5 having power to make appropriations or to levy taxes, including any
6 town, city or borough, consolidated town and city or consolidated
7 town and borough, any village, any school, sewer, fire, water or
8 lighting district, metropolitan district, any municipal district, any
9 beach or improvement association, and any other district or association
10 created by any special act or pursuant to chapter 105, or any other
11 municipal corporation having the power to issue bonds;

12 (2) "State mandate" means any constitutional, statutory or executive
13 action that requires a local government to establish, expand or modify
14 its activities in such a way as to necessitate additional expenditures

15 from local revenues, excluding any order issued by a state court and
16 any legislation necessary to comply with a federal mandate;

17 (3) "Local government organization and structure mandate" means a
18 state mandate concerning such matters as: (A) The form of local
19 government and the adoption and revision of statutes on the
20 organization of local government; (B) the establishment of districts,
21 councils of governments, or other forms and structures for interlocal
22 cooperation and coordination; (C) the holding of local elections; (D) the
23 designation of public officers, and their duties, powers and
24 responsibilities; and (E) the prescription of administrative practices
25 and procedures for local governing bodies;

26 (4) "Due process mandate" means a state mandate concerning such
27 matters as: (A) The administration of justice; (B) notification and
28 conduct of public hearings; (C) procedures for administrative and
29 judicial review of actions taken by local governing bodies; and (D)
30 protection of the public from malfeasance, misfeasance, or nonfeasance
31 by local government officials;

32 (5) "Benefit spillover" means the process of accrual of social or other
33 benefits from a governmental service to jurisdictions adjacent to or
34 beyond the jurisdiction providing the service;

35 (6) "Service mandate" means a state mandate as to creation or
36 expansion of governmental services or delivery standards therefor and
37 those applicable to services having substantial benefit spillover and
38 consequently being wider than local concern. For purposes of this
39 section, applicable services include but are not limited to elementary
40 and secondary education, community colleges, public health,
41 hospitals, public assistance, air pollution control, water pollution
42 control and solid waste treatment and disposal. A state mandate that
43 expands the duties of a public official by requiring the provision of
44 additional services is a "service mandate" rather than a "local
45 government organization and structure mandate";

46 (7) "Interlocal equity mandate" means a state mandate requiring
47 local governments to act so as to benefit other local governments or to
48 refrain from acting to avoid injury to, or conflict with neighboring
49 jurisdictions, including such matters as land use regulations, tax
50 assessment procedures for equalization purposes and environmental
51 standards;

52 (8) "Tax exemption mandate" means a state mandate that exempts
53 privately owned property or other specified items from the local tax
54 base;

55 (9) "Personnel mandate" means a state mandate concerning or
56 affecting local government: (A) Salaries and wages; (B) employee
57 qualifications and training except when any civil service commission,
58 professional licensing board, or personnel board or agency established
59 by state law sets and administers standards relative to merit-based
60 recruitment or candidates for employment or conducts and grades
61 examinations and rates candidates in order of their relative excellence
62 for purposes of making appointments or promotions to positions in the
63 competitive division of the classified service of the public employer
64 served by such commission, board or agency; (C) hours, location of
65 employment, and other working conditions; and (D) fringe benefits
66 including insurance, health, medical care, retirement and other
67 benefits.

68 (b) The Office of Fiscal Analysis shall append to any bill before
69 either house of the General Assembly for final action which has the
70 effect of creating or enlarging a state mandate to local governments, an
71 estimate of the cost to such local governments which would result
72 from the passage of such bill. Any amendment offered to any bill
73 before either house of the General Assembly which has the effect of
74 creating or enlarging a state mandate to local governments shall have
75 appended thereto an estimate of the cost to such local governments
76 which would result from the adoption of such amendment.

77 (c) The estimate required by subsection (b) of this section shall be

78 the estimated cost to local governments for the first fiscal year in which
79 the bill takes effect. If such bill does not take effect on the first day of
80 the fiscal year, the estimate shall also indicate the estimated cost to
81 local governments for the next following fiscal year. If a bill is
82 amended by the report of a committee on conference in such a manner
83 as to result in a cost to local governments, the Office of Fiscal Analysis
84 shall append an estimate of such cost to the report before the report is
85 made to either house of the General Assembly.

86 (d) On and after January 1, 1985, (1) any bill reported by a joint
87 standing committee of the General Assembly which may create or
88 enlarge a state mandate to local governments, as defined in subsection
89 (a) of this section, shall be referred by such committee to the joint
90 standing committee of the General Assembly having cognizance of
91 matters relating to appropriations and the budgets of state agencies,
92 unless such reference is dispensed with by a vote of at least two-thirds
93 of each house of the General Assembly, and (2) any bill amended by
94 either house of the General Assembly or by the report of a committee
95 on conference in such a manner as to create or enlarge a state mandate
96 shall be referred to said committee, unless such reference is dispensed
97 with by a vote of at least two-thirds of each house of the General
98 Assembly. Any such bill which is favorably reported by said
99 committee shall contain a determination by said committee concerning
100 the following: (A) Whether or not such bill creates or enlarges a state
101 mandate, and, if so, which type of mandate is created or enlarged; (B)
102 whether or not the state shall reimburse local governments for costs
103 resulting from such new or enlarged mandate, and, if so, which costs
104 are eligible for reimbursement, the level of reimbursement, the
105 timetable for reimbursement and the duration of reimbursement.

106 (e) On and after October 1, 2010, no bill creating or enlarging a state
107 mandate to local governments shall be enacted except upon approval
108 by a vote of at least two-thirds of the members of each house of the
109 General Assembly.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2010</i>	2-32b
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Statement of Purpose:

To require a two-thirds vote of the General Assembly to enact legislation that creates or enlarges a state mandate to local governments.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]